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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 RAFAEL RIVERA,

11 Petitioner,

12 v.
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14 JEFFREY A UTTECHT.

15 Respondent.

CASE NO. C11-5693-RJB-JRC

ORDER DIRECTING
SERVICE AND RETURN,
§ 2254 PETITION

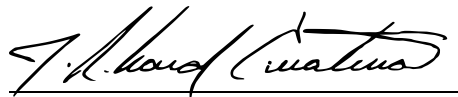
16 (1) The clerk shall arrange for service by certified mail upon respondent
17 and the Attorney General for the State of Washington, copies of the petition, all
18 documents in support thereof. All costs of service shall be advanced by the United
19 States. The Clerk shall assemble the necessary documents to effect service. In
20 addition, the Clerk shall send petitioner a copy of this Order, along with a copy of
the Court's General Order regarding pro se litigation.

21 (2) Within forty-five (45) days after such service, respondent(s) shall file
22 and serve an answer in accordance with Rule 5 of the Rules Governing § 2254
23 Cases in United States District Courts. As part of such answer, respondent(s)
24 should state whether petitioner has exhausted available state remedies, whether an

1 evidentiary hearing is necessary, and whether there is any issue of abuse or delay
2 under Rule 9. Respondent shall not file a dispositive motion in place of an answer
3 without first showing cause as to why an answer is inadequate. Respondent(s)
4 shall file the answer with the Clerk of the Court and serve a copy of the answer
5 upon petitioner.

6 (3) The answer will be treated in accordance with Local Rule CR 7.
7 Accordingly, upon receipt of the answer the Clerk will note the matter for
8 consideration on the fourth Friday after the answer is filed, petitioner may file and
9 serve a response not later than on the Monday immediately preceding the Friday
10 appointed for consideration of the matter, and respondent may file and serve a reply
11 brief not later than on the Thursday immediately preceding the Friday designated
12 for consideration of the matter.

13 DATED this 31st day of October, 2011.

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15 J. Richard Creatura
16 United States Magistrate Judge
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